

REMARKS

Claims 1-11 have been indicated as allowed.

Claims 33-43 have been withdrawn. The Examiner alleges that these claims are directed to the non-elected embodiment of Figures 6-8. Applicants respectfully disagree and request reconsideration.

In the first restriction, the Examiner requested that Applicants elect between the embodiment of Figures 1-5 and the embodiment of Figures 6-8. Applicants elected the embodiment of Figures 1-5. The difference between the two embodiments concerns where the capacitor is formed. In Figures 1-5, the capacitor is formed in the substrate 100, where the absorbing material part is part of the substrate. In Figures 6-8, the capacitor is formed in an insulating material layer 102 which overlies the substrate 101, where the absorbing material part 103 is formed in the insulating material layer.

Claim 33 includes a limitation for “forming a substrate including an absorbing material part.” This limitation explicitly limits claim 33 to the embodiment of Figure 1-5. The embodiment of Figures 6-8 does not teach having the substrate 101 include an absorbing material part. Rather, the embodiment of Figures 6-8 places the absorbing material part 103 in the insulating layer 102. This insulating layer 102 overlies and is distinct from the substrate 101.

In view of the foregoing, Applicants submit that the Examiner has not properly considered the limitations of claims 33-43. Rejoinder of these claims is requested.

Claims 14-15 and 17-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbarg in view of You and Eldridge.

Claim 14 recites “filling the cavity with a fill material.” The Examiner concedes that this limitation is not taught by the Wilbarg and You references. It is the Examiner’s position that Eldridge Figures 5-6 teach a fill material 60 for filling a cavity (Office Action page 3). Applicants disagree. The material 60 in Eldridge is a metal layer (col. 7, line 38) forming the second electrode of the capacitor. This metal layer 60 is deposited over the cavity. There is no teaching or suggestion in Eldridge for using metal layer 60 to fill a cavity.

Claim 14 further recites “heating the integrated circuit to a temperature sufficient to cause the sacrificial layer to be absorbed into the absorbing material layer and leave a void between the absorbing material layer and the fill material.” In Eldridge the metal layer 60 functions as the absorbing material which absorbs the sacrificial mass 58. Applicants claim 14 clearly recites that the “absorbing material layer” is a layer distinct from the “fill material.” Contrary to the claimed invention, Eldridge teaches the metal (alleged fill material) layer 60 also functioning as the absorbing material layer. In this configuration, the metal layer 60 cannot also meet the claimed “fill material” limitation.

In view of the foregoing, Applicants submit that claim 14 is patentable over the cited prior art.

Rejoinder of withdrawn claim 16 is requested.

New claim 44 has been added. This claim is derived from allowed claim 1 and Applicants assert that claim 44 falls within elected Species 1. Claim 44 recites that “the sacrificial material has a melting point in excess of 600°C.” This limitation distinguishes over Wilbarg (with a melting point of 525 degrees Celsius) and You (with a melting point of 200-400 degrees Celsius).

New claim 48 has been added. This claim is derived from claim 14 and Applicants assert that claim 48 is generic to elected Species 1. Claim 48 recites that “the sacrificial material has a melting point in excess of 600°C.” This limitation distinguishes over Wilbarg (with a melting point of 525 degrees Celsius) and You (with a melting point of 200-400 degrees Celsius).

Applicants submit that the application is in condition for favorable action and allowance.

Applicants hereby authorize the Commissioner to charge any additional fees that may be required by this paper or credit any overpayment of fees to Deposit Account No. 07-0153.

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Respectfully submitted,

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